IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE ELEVENTH DAY OF JANUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

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WRIT PETITION NO : 51 of 2005

Between:

1 Ramanam Abbulu, S/o Ramaswamy, Hindu,
Vadisaleru (v), Rangampeta Mandal, E.G. District.
2 Peravali Bulokam, S/o Sanyasi, Hindu,
Vadisaleru (v), Rangampeta Mandal, E.G. District.
3 Gunapalli Brahmaji, S/o Brahmam, Hindu,
Vadisaleru (v), Rangampeta Mandal, E.G. District.

..... PETITIONER(S)

AND

1 The Mandal Revenue Officer, Rangampeta, East Godavari District.
2 The Executive Officer, Gram Panchayat, Vadisaleru (v),
Rangampeta Mandal, East Godavari District.
3 The Sub Inspector of Police, Rangampeta P.S.,
Rangampeta Mandal, East Godavari District.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ of mandamus, or any other appropriate writ, order or direction, declaring the proposed action of the respondents in trying to evict/demolish the petitioners buddy shops situated in Sy.No. 765/2 of Vadisaleru (v) Rangampeta Mandal, E.G. District, without following due process of law as illegal, arbitrary, high-handed and violative of principles of natural justice and for a consequential order directing the respondents not to demolish buddy shops of the petitioners by evicting them from their peaceful possession and enjoyment of their constructions in the above said

land.

Counsel for the Petitioners:MR.CH.DHANAMJAYA

Counsel for the Respondent No.1: GP FOR REVENUE

Counsel for the Respondent No.2: MR. D.SRINIVAS, Standing Counsel for Gram Panchayat

Counsel for the Respondent No.3: GP FOR HOME

The Court at the stage of admission made the following ORDER:

Petitioners seek a mandamus restraining the respondents from eviction/demolition of their buddy shops situated in Survey No.765/2 of Vadisaleru Village without following due procedure of law.

Since there is no cause of action in this writ petition, the writ petition cannot be entertained. However, this Court in a catena of decisions held that the property of the citizens for widening of the roads can only be acquired after following due procedure as contemplated under the provisions of A.P.Municipalities Act. If the persons, who are not willing to part with the property/shops as they are owners, necessary proceedings have to be initiated against them under the provisions of the A.P.Municipalities Act or Land Acquisition Act and take possession. If the property is in an unauthorized occupation, necessary procedure has to be followed for acquisition of the property. However, without following either of the procedures, the respondents cannot dispossess the petitioners from the shops in question.

With the above observation, the writ petition is dismissed. No costs.

11th JANUARY, 2005.

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To

1 The Mandal Revenue Officer, Rangampeta, East Godavari District.
2 The Executive Officer, Gram Panchayat, Vadisaleru (v),
Rangampeta Mandal, East Godavari District.
3 The Sub Inspector of Police, Rangampeta P.S.,
Rangampeta Mandal, East Godavari District.

4 Two CCs to the Government Pleader for Revenue, A.P.High Court Buildings, Hyderabad (OUT).

5 Two CCs to the Government Pleader for Home, A.P.High Court Buildings, Hyderabad (OUT).

6 Two CD copies.